

COMMON COUNCIL

November 18, 2014

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on November 18, 2014, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Joseph Maiurano
Ald. Bryan McCracken
Ald. Brian Doliver
Ald. John Deierlein
Ald. Walter Schermerhorn
Ald. Paul Laughlin
Ald. Thomas LoPiccolo
Supervisor Robert Jeffrey

Absent:

Supervisor James McNeil

Also:

Director of Finance/City Clerk William Roberts
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
Community Development Specialist Todd Dreyer
Youth Bureau Director Robert Mason
City Attorney Patrick Flanagan
EMO A. Jones
DPW Superintendent Carl Ivarson
Deputy City Clerk Brian Drake
Code Enforcement Officer/Fire Marshall Jason Lawrence
Fire Chief Tracy Chawgo
Assistant Police Chief Rodney Marsh

Call to Order

The meeting of the Common Council was called to order by Mayor Maiurano at 7:00 p.m.

Approval of minutes

Ald. Schermerhorn **moved** to approve the minutes of the regular meeting of October 21, 2014 and the special meeting of October 29, 2014. Seconded by Ald. Laughlin and duly approved ayes all.

Resolution

RESOLUTION #74-2014

AUTHORIZING APPOINTMENT OF POLICE CHIEF IN THE NORWICH POLICE DEPARTMENT

Ald. Laughlin introduced the following and **moved** its adoption:

WHEREAS, the Norwich City Police Chief has notified the City of his intention to retire from service effective December 31, 2014; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that Assistant Police Chief Rodney Marsh of Norwich be and hereby is granted a permanent appointment to the position of police chief in the City of Norwich Police Department effective January 1, 2015; and, further be it

RESOLVED, that the Mayor be and hereby is authorized to execute an Employment Agreement with Rodney Marsh as reviewed by the Council and having an effective date of January 1, 2015.

Seconded by Ald. LoPiccolo, and duly adopted, 6-0, on a roll call vote.

Mayor Maiurano remarked that the City is losing a great Police Chief, but Chief Marsh promises to be as inspiring as his predecessor.

Public Hearing – Proposed Ordinance No. (B) of 2014 Mayor Maiurano opened a public hearing at 7:05 p.m. to receive comments regarding Proposed Ordinance No. (B) of 2014 regarding signs.

Hearing no comments, Mayor Maiurano closed the public hearing at 7:06 p.m.

Public Hearing – Proposed Ordinance No. (C) of 2014 Mayor Maiurano opened a public hearing at 7:07 p.m. to receive comments regarding Proposed Ordinance No. (C) of 2014 regarding garage/yard sales.

Hearing no comments, Mayor Maiurano closed the public hearing at 7:07 p.m.

Open Forum There were no comments.

Department, Board and Commission Reports

- ◆ Police Department Report of October 2014
- ◆ Traffic Commission Minutes of November 12, 2014
- ◆ Water Commission Minutes of October 15, 2014
- ◆ Water Department Report of October 2014

Ald. Deierlein **moved** to receive and file the department, board, and commission reports. Seconded by Ald. Schermerhorn, approved ayes all.

Ward Reports

Ward 1

Ald. McCracken reported that he received one communication from a constituent which has been turned over to the appropriate department head for resolution.

Ward 2

Ald. Doliver reported that all matters have been resolved.

Ward 3

Ald. Deierlein reported that all matters have been resolved.

Ward 4

Ald. Schermerhorn reported that he has received no communications from constituents during the last month.

Ward 5

Ald. Laughlin reported that all matters have been resolved.

Ward 6

Ald. LoPiccolo reported that he received no communications from constituents during the last month.

Ald. LoPiccolo **moved** to receive and file the ward reports. Seconded by Ald. Deierlein, approved ayes all.

Resolutions

RESOLUTION #75-2014

**APPROVING REPLACEMENT OF WWTP SCUM PUMPS AND
AUTHORIZING TRANSFER OF FUNDS – SCUM PUMPS**

Ald. Deierlein introduced the following and **moved** its adoption:

WHEREAS, the wastewater treatment plant scum pumps are in disrepair and must be replaced; and

WHEREAS, two proposals for replacement of the scum pumps have been received; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that replacement of the wastewater treatment plant scum pumps is hereby approved; and, be it further

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds from the 2014 Sewer Fund Capital Reserves:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR42-878	Capital Reserves – Sewer Equipment	\$20,000.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8130.2100	Treatment and Disposal – Equipment	\$20,000.00

Seconded by Ald. LoPiccolo, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #76-2014**APPROVING HYDRO-EXCAVATING PROPOSAL AND AUTHORIZING
TRANSFER OF FUNDS**

Ald. Laughlin introduced the following and **moved** its adoption:

WHEREAS, the wastewater treatment plant supernate line is in disrepair and must be replaced; and

WHEREAS, placement of the line requires the use of hydro-excavating methods due to the number of gas and electric lines buried in the area; and

WHEREAS, a proposal for replacement of the hydro-excavating have been received from Burrell's Excavating in the amount of \$28,240; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the proposal from Burrell's Excavating to conduct hydro-excavation for the wastewater treatment plant supernate line in the amount of \$28,240 is hereby approved; and, be it further

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds from the 2014 Sewer Fund Capital Reserves:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR34-878	Capital Reserves – Sewer Mains	\$28,240.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8120.4100	Sanitary Sewers – Contracted Services	\$28,240.00

Seconded by Ald. Deierlein, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #77-2014**AUTHORIZING SUPPLEMENTAL APPROPRIATION OF GRANT AND
DONATED FUNDS – PROTECTIVE GEAR AND TRAINING MATERIALS**

Ald. Schermerhorn introduced the following and **moved** its adoption:

WHEREAS, the Greater Norwich Foundation has generously provided grant funds in the amount of \$10,095 for the purpose of providing protective gear to EMS providers; and

WHEREAS, donations from American Legion Post 189 and MCM Solutions LLC totaling \$1,150 will help supplement related costs and provide for training materials; and

WHEREAS, the grant requires a supplemental appropriation of such unbudgeted revenue toward the purchase of protective gear for EMS providers; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following supplemental appropriation in the 2014 General Fund budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A910	General Fund – Appropriated Fund Balance	\$11,245.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.2101	Fire Department – Ambulance Equipment	\$11,095.00
A3410.4030	Fire Department – Training	150.00

Seconded by Ald. Laughlin, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #78-2014**AUTHORIZING BUDGET TRANSFER FOR HUMAN RESOURCES LEGAL SERVICES**

Ald. LoPiccolo introduced the following and **moved** its adoption:

WHEREAS, Resolution #49-2014, approved August 19, 2014, provided authorization of a budget transfer to provide for Human Resources legal services; and

WHEREAS, further funds are required for additional legal services with regard to numerous Human Resources matters through the end of 2014; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2014 General Fund Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$5,700.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1430.4020	Human Resources – Contracted Services	\$5,700.00

Seconded by Ald. McCracken, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #79-2014**ADOPTING PROPOSED ORDINANCE NO. (B) OF 2014 REGARDING CHAPTER 465 OF THE CITY CODE**

Ald. Laughlin introduced the following and **moved** its adoption:

WHEREAS, the Common Council received proposed Ordinance No. (B) of 2014 on October 21, 2014; and

WHEREAS, a public hearing was held on November 18, 2014, in connection with said proposed ordinance; now, therefore be it

RESOLVED, that Ordinance No. (B) of 2014, regarding Chapter 465 – Signs of the City Code, as presented to the Common Council on October 21, 2014, be and hereby is adopted, and is hereby designated as Ordinance No. 2 of 2014.

ORDINANCE NO. 2 OF 2014**AN ORDINANCE AMENDING CHAPTER 465
OF THE CODE OF THE CITY OF NORWICH RELATING TO GARAGE SALES**

BE IT ORDAINED by the Common Council of the City of Norwich, New York, as follows:

Section 1. Chapter 465, Section 6 of the Code of the City of Norwich, Zoning, as adopted on November 19, 1996 and subsequently amended, is hereby amended by adding the following definition:

- I. Garage/Yard Sale signs. These signs must be removed within 24 hours of the conclusion of a Garage/Yard sale (as defined in §575-5).

Section 2. This ordinance shall take effect immediately upon adoption.

Seconded by Ald. Deierlein and duly adopted, 6-0, on a roll call vote

RESOLUTION #80-2014**ADOPTING PROPOSED ORDINANCE NO. (C) OF 2014 REGARDING CHAPTER 575 OF THE CITY CODE**

Ald. Schermerhorn introduced the following and **moved** its adoption:

WHEREAS, the Common Council received proposed Ordinance No. (C) of 2014 on October 21, 2014; and

WHEREAS, a public hearing was held on November 18, 2014, in connection with said proposed ordinance; now, therefore be it

RESOLVED, that Ordinance No. (C) of 2014, regarding Chapter 465 – Zoning of the City Code, as presented to the Common Council on October 21, 2014, be and hereby is adopted, and is hereby designated as Ordinance No. 3 of 2014.

ORDINANCE NO. 3 OF 2014

AN ORDINANCE AMENDING CHAPTER 575 OF THE CODE OF THE CITY OF NORWICH RELATING TO GARAGE SALES

BE IT ORDAINED by the Common Council of the City of Norwich, New York, as follows:

Section 1. Chapter 575, Section 5 of the Code of the City of Norwich, Zoning, as adopted on November 18, 1997 and subsequently amended, is hereby amended by adding the following definition:

GARAGE/YARD SALE. Includes garage, yard and porch sales. Allowed for a period no longer than three days in succession for no more than a total of six days per year. Items used to assist with such sales, e.g., tents, tables, etc., must be removed at the end of each sale period. The sale of items purchased elsewhere solely for resale is prohibited.

Section 2. This ordinance shall take effect immediately upon adoption.

Seconded by Ald. Laughlin and duly adopted, 6-0, on a roll call vote

RESOLUTION #81-2014

AUTHORIZING ENGINEERING SERVICES AGREEMENT FOR FIREHOUSE THIRD FLOOR INTERIOR FINISHING PROJECT

Ald. Doliver introduced the following and **moved** its adoption:

WHEREAS, Senator Libous has announced that the City will receive a grant award in the amount of \$100,000 under the State and Municipalities Capital Program for the purposes of finishing work on the ceiling, floor, lighting and other items for the third floor of the firehouse; and

WHEREAS, Delaware Engineering LLC has presented a proposal to provide the necessary design plans, bid specifications and award services plus construction phase monitoring at a total cost not to exceed \$20,000; and

WHEREAS, it is desired to proceed in a timely manner to take advantage of favorable costs associated with interior construction work during the upcoming winter season; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign an agreement with Delaware Engineering to provide necessary design plans, bid specifications and award services plus construction phase monitoring for the firehouse third floor interior finishing project at a total cost not to exceed \$20,000.

Seconded by Ald. LoPiccolo and duly adopted), 6-0, on a roll call vote.

Discussion: Ald. McCracken asked if the provision of engineering services was decided by proposal or bid. DPW Superintendent Carl Ivarson replied that professional services do not need to go to bid and Delaware Engineering has provided these services in the past. The project itself will have to go to bid as the project will cost more than \$30,000. Mayor Maiurano noted that this project is a result of grant funds obtained from Sen. Libous.

RESOLUTION #82-2014

DESIGNATING “PREFERRED PURCHASER” OF CITY-OWNED PROPERTY AT 18 CONKEY AVENUE

Ald. Schermerhorn introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich acquired the real property at 18 Conkey Avenue through property tax foreclosure; and

WHEREAS, the subject property is considered by the Common Council to be surplus and its continued ownership by the City unnecessary to a useful public purpose; and

WHEREAS, the subject property has been offered for sale through a first-time homebuyer program in connection with Opportunities for Chenango, Inc. (OFC) and NBT Bank, NA; and

WHEREAS, the Common Council considers the purchaser offer to be acceptable based on the amount offered, the prospective purchaser's participation in OFC's first-time homebuyer program, and the proposed rehabilitation of the property for use as an owner-occupied single-family dwelling; and

WHEREAS, the sale of the subject property to a private party is appropriately classified as an Unlisted action pursuant to the applicable provisions of the State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that the Common Council hereby determines that the proposed action will not result in a significant adverse environmental impact, and hereby issues a Determination of Non-Significance (a negative declaration) in the accompanying short environmental assessment form (EAF); and, be it further

RESOLVED, that the Common Council hereby designates Teresa Bennett and John Hoey, residing at 121 South Broad Street, Norwich, NY, as the "preferred purchaser" of the City-owned property at 18 Conkey Avenue for the purpose of rehabilitating the residential structure and establishing an owner-occupied single-family residential use at the property; and, be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 18 Conkey Avenue to Teresa Bennett and John Hoey as indicated above.

Seconded by Ald. Doliver and duly adopted, 6-0, on a roll call vote.

Discussion: Mayor Maiurano noted that this project is the result of a joint effort between the City, NBT Bank, and Opportunities for Chenango, and will be a complete rehabilitation of the property.

**RESOLUTION #83-2014 DESIGNATING "PREFERRED PURCHASER" OF CITY-OWNED
PROPERTY AT 34 EATON AVENUE**

Ald. Doliver introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich acquired the real property at 34 Eaton Avenue through property tax foreclosure; and

WHEREAS, the subject property is considered by the Common Council to be surplus and its continued ownership by the City unnecessary to a useful public purpose; and

WHEREAS, the subject property has been offered for sale through a first-time homebuyer program in connection with Opportunities for Chenango, Inc. (OFC) and NBT Bank, NA; and

WHEREAS, the Common Council considers the purchaser offer to be acceptable based on the amount offered, the prospective purchaser's participation in OFC's first-time homebuyer program, and the proposed rehabilitation of the property for use as an owner-occupied single-family dwelling; and

WHEREAS, the sale of the subject property to a private party is appropriately classified as an Unlisted action pursuant to the applicable provisions of the State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that the Common Council hereby determines that the proposed action will not result in a significant adverse environmental impact, and hereby issues a Determination of Non-Significance (a negative declaration) in the accompanying short environmental assessment form (EAF); and, be it further

RESOLVED, that the Common Council hereby designates Arlyn and Diane Shedd, residing at 31 Hale Street, Norwich, NY, as the "preferred purchaser" of the City-owned property at 34 Eaton Avenue for the purpose of rehabilitating the residential structure and establishing an owner-occupied single-family residential use at the property; and, be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 34 Eaton Avenue to Arlyn and Diane Shedd as indicated above.

Seconded by Ald. LoPiccolo and duly adopted, 6-0, on a roll call vote.

Payment of November 2014 Bills Ald. Laughlin **moved** to pay the November 2014 bills subject to proper audit and certification. Seconded by Ald. Schermerhorn and duly adopted ayes all.

November Bills

	Prepaid	11/18/2014	Grand Total
General Fund	\$ 153,474.34	\$ 83,705.81	\$ 237,180.15
Sewer Fund	27,157.12	20,413.47	47,570.59
Water Fund	25,575.70	7,764.64	33,340.34
Trust	33,009.75	-	33,009.75
Debt Service	53,800.00	-	53,800.00
Comm. Dev. - Special Grants	1,249.50	320.00	1,569.50
Capital Projects	9,480.26	-	9,480.20
TOTALS	\$ 303,746.67	\$ 112,203.92	\$ 415,950.59

Executive Session

Ald. LoPiccolo **moved** to enter executive session at 7:18 p.m. to discuss labor contract negotiations. Seconded by Ald. Deierlein, approved ayes all.

Ald. Laughlin **moved** to exit executive session at 7:23 p.m. Seconded by Ald. McCracken, approved ayes all.

Adjournment

Ald. Schermerhorn **moved** to adjourn at 7:23 p.m. Seconded by Ald. Doliver, approved ayes all.